

Message Text

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ACTION DLOS-09

INFO OCT-01 EUR-12 IO-13 ISO-00 ACDA-12 AGRE-00 AID-05
CEA-01 CEQ-01 CG-00 CIAE-00 COME-00 DODE-00
DOTE-00 EB-08 EPA-01 SOE-02 DOE-15 FMC-01 TRSE-00
H-01 INR-10 INT-05 JUSE-00 L-03 NSAE-00 NSC-05
NSF-01 OES-09 OMB-01 PA-01 PM-05 SP-02 SS-15
ICA-11 /150 W

-----053810 111919Z /45

P R 111841Z AUG 78
FM AMEMBASSY BONN
TO SECSTATE WASHDC PRIORITY 1050
INFO USMISSION USUN NEW YORK

LIMITED OFFICIAL USE SECTION 01 OF 02 BONN 14702

E.O. 11652: N/A
TAGS: PLOS GW
SUBJECT: LOS: MARINE SCIENTIFIC RESEARCH

REFS: (A) STATE 194973; (B) STATE 183452

1. EMBASSY LEGAL ADVISER HAS RECEIVED LETTER FROM FRG
FOREIGN OFFICE LOS STAFF (HARTMANN) IN REACTION TO
EMBASSY TRANSMITTAL OF LETTER FROM AMBASSADOR ELLIOT
RICHARDSON TO AMBASSADOR WOLFF AND US PROPOSALS FOR
REFORMULATION OF THE ICNT PROVISIONS CONCERNING MARINE
SCIENTIFIC RESEARCH.

2. OPERATIVE PARAGRAPHS OF FONOFF LETTER FOLLOW:

BEGIN TEXT

THE GERMAN DELEGATION TO THE THIRD UN LOS
CONFERENCE AT THE GENEVA SESSION EXPRESSED ITS VIEW
THAT THE PREPARED TEXTS REQUIRED IMPROVEMENT. IT
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STRONGLY SUPPORTED A STATEMENT TO THIS EFFECT BY
DENMARK -- THEN PRESIDENT OF THE EC COUNCIL. THE GERMAN
DELEGATION NOTED WITH SATISFACTION THAT AT THE CON-
CLUSION OF THE GENEVA SESSION ALSO THE AMERICAN
DELEGATION EXPRESSED ITS INTENTION TO SUBMIT SUGGESTIONS
FOR IMPROVEMENT OF THE TEXT AT THE NEW YORK SESSION.

IN A GENERAL WAY IT IS POSSIBLE TO SAY THAT MOST OF THE AMERICAN PROPOSALS HAVE THE APPROVAL OF THE GERMAN DELEGATION. THIS APPLIES ESPECIALLY WITH RESPECT TO THE PROPOSALS FOR ARTICLES 250, 254, 258 AND 265/296 OF THE ICNT. THERE ARE, HOWEVER, A NUMBER OF OTHER PROVISIONS WITH RESPECT TO WHICH THE GERMAN DELEGATION WOULD WELCOME THE OPPORTUNITY FOR CONSULTATIONS WITH THE AMERICAN DELEGATION CONCERNING DETAILS. THIS APPLIES TO THE FOLLOWING ARTICLES WITH RESPECT TO WHICH THE AMERICAN SIDE PRODUCED SUGGESTIONS FOR CHANGES:

ARTICLE 242 BIS

THE GERMAN DELEGATION SUPPORTS THE INSERTION OF THIS ARTICLE. AS COOPERATION WITH OTHER COASTAL STATES IS BEING CONSIDERED, THE WORDING "COASTAL STATE, OR WITH ITS COOPERATION" SHOULD BE CORRESPONDINGLY SUPPLEMENTED.

ARTICLE 244 BIS

THE GERMAN DELEGATION IS PREPARED TO MAKE EFFORTS TO RALLY SUPPORT FOR THE INSERTION OF THIS PROVISION; HOWEVER, IT BELIEVES THAT THE WORDS "MARINE SCIENTIFIC RESEARCH PROJECTS" SHOULD BE FOLLOWED BY THE LIMITED OFFICIAL USE

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FOLLOWING WORDS: "NOTABLY OF SUCH PROJECTS WHICH ARE OF IMPORTANCE TO THE INTERNATIONAL COMMUNITY AS A WHOLE OR REQUIRE THE CONSENT OF SEVERAL COASTAL STATES."

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ICA-11 /150 W

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ARTICLE 247, PARA 1

HERE IT WOULD BE DESIRABLE THAT THE TACTICS FOR
HANDLING THIS MATTER BE THE SUBJECT OF CLOSE CONSULTA-
TIONS OF THE DELEGATIONS AT THE LOCATION OF THE
CONFERENCE, IN VIEW OF THE FACT THAT THE DEVELOPING
COUNTRIES ARE KNOWN TO REACT VERY SENSITIVELY TO
SUGGESTIONS FOR AMENDMENTS OF THIS ARTICLE.

ARTICLE 247, PARA 6

WITH RESPECT TO THIS PROPOSAL, IT MIGHT BE
CONSIDERED WHETHER IT WOULD NOT BE MORE EFFECTIVE TO
RECORD THE LEGAL INTERPRETATION INTENDED THEREBY VIA A
STATEMENT IN THE PLENARY SESSION THAT HAS PREVIOUSLY BEEN
COORDINATED BY THE DELEGATIONS.

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ARTICLE 256

THE GERMAN DELEGATION IS OF THE VIEW THAT THE
CONCEPT OF "UNIFORMLY APPLIED RULES" SHOULD BE MAIN-
TAINED AND STRENGTHENED AS BY THIS MEANS LIMITS
WOULD BE SET UPON THE DISCRETION OF THE COASTAL STATES.
THIS FUNDAMENTAL PRINCIPLE IS TO BE UNDERSTOOD IN THE
SENSE OF THE MOST-FAVORED-NATION AND NON-DISCRIMINATION;
A STATE WHICH HAS GRANTED TO ANOTHER STATE OR AN INTER-
NATIONAL ORGANIZATION THE POSSIBILITY OF RESEARCH IS
OBLIGATED TO DO LIKEWISE VIS-A-VIS OTHER INTERESTED
STATES OR INTERNATIONAL ORGANIZATIONS, AS THE CASE MAY
BE.

THE GERMAN DELEGATION HAS GRATEFULLY NOTED THE
WILLINGNESS OF THE AMERICAN DELEGATION TO DISCUSS THESE

MATTERS AND WILL, FOR ITS PART, MAKE EVERY EFFORT, AFTER
ITS ARRIVAL AT THE LOCATION OF THE CONFERENCE, TO CONSULT
WITH THE AMERICAN DELEGATION WITH A VIEW TO ACHIEVING
THE GREATEST POSSIBLE COORDINATION IN THE TREATMENT OF
MARINE SCIENTIFIC RESEARCH.

END TEXT
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TAGS: PLOS, GE
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